



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,540	03/09/2001	Donald M. Kosak	10984-535001 / P257	7308
26161	7590	05/18/2006	EXAMINER	
FISH & RICHARDSON PC			HUYNH, CONG LAC T	
P.O. BOX 1022			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022			2178	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,540

Applicant(s)

KOSAK ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 2/23/06 to the application filed on 3/9/01.
2. Claims 1-5, 7-29 are pending in the case. Claims 1, 24 and 29 are independent claims.
3. The rejections of claims 1-5, 7-8, 17-18, 24-28 under 35 U.S.C. 102(e) as being anticipated by Hosea et al. have been withdrawn in view of the amendment.
4. The rejections of claims 9-11, 13-16 under 35 U.S.C. 103(a) as being unpatentable over Hosea as applied to claim 1 above, and further in view of Massena have been withdrawn in view of the amendment.
5. The rejection of claim 12 under 35 U.S.C. 103(a) as being unpatentable over Hosea and further in view of Muthuswamy has been withdrawn in view of the amendment.
6. The rejections of claims 22-23, 29 under 35 U.S.C. 103(a) as being unpatentable over Borger and Hosea as applied to claim 20 above, and further in view of Freedman have been withdrawn in view of the amendment.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-5, 7-8, 17-21, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al. (US Pat App. Pub. No. 2002/0138331, 9/26/02, filed 2/5/01) in view of Borger et al. (US Pat App Pub No 2002/0123334, priority 7/25/00).

Regarding independent claim 1, Hosea discloses:

- scanning content of a source page expressed in a mark-up language in which a component is to be inserted ([0043], [0046]: *analyzing* the HTML file, which is a mark-up language file, to produce a modified web page where one way to modify the web page is inserting additional content into the HTML file)
- obtaining a profile from the content of the source page ([0052]: "obtaining a profile for a particular Web page" (claim 33), "dynamically generating the profile for the particular web page" (claim 34))

Art Unit: 2178

- the profile identifying a style of the content of the source page ([0043]: the profile of the HTML file of the requested web page is based on the same or a similar content classification scheme to the user profile where the HTML file is formed of content components and format components; this shows that the profile of the HTML file comprises the format of the HTML source page since the format is included in the HTML file)

Hosea does not disclose:

- generating a content component that is to be included in the source page in accordance with the profile, wherein generating comprises formatting the content component in accordance with the profile so that the style of the content component comports substantially to a style of the source page

Borger discloses:

- scanning content of a source page in which a component is to be inserted, the source page being expressed in mark-up code ([0020], [0022], [0028]: dynamically inserting content into a Web document where the location of the additionally content is identified within the Web document by markup tags implies that the web document in markup code, which is the source page, is scanned for identifying said location for inserting)
- selecting a content to be inserted in the Web document having the format specified by the markup tags in the Web document [0023]-[0024], [0064])
- generating a content component that is to be included in the source page in accordance with the format of the web document by inserting the content to the

Web document in accordance to the format selected from the markup tags in the  
Web document ([0064], [0066], [0067])

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Borger into Hosea since Borger discloses generating a content component to be included in the web document where the format of the content component is identified from the markup tags, which include content and format, of the web document. This implies that the format of the content component is derived from the format of the web document and should not be much different from the format of the web document. This also provides the advantage to incorporate into the profile of a web document in Hosea where the content and format of the web document are identified and included in the profile, so that the identified format of an HTML document is recorded in a profile as a standard style ready to follow when including an additional content to the HTML document. Such combination would save time when formatting a content to be included in a web page to obtain the style of the content to be inserted comports substantially to the style of the source page.

Regarding claim 2, which is dependent on claim 1, Hosea discloses that the mark-up language is HyperText Markup Language (HTML) ([0028], [0030]).

Regarding claim 3, which is dependent on claim 1, Hosea discloses that the content of the source page comprises contextual material including at least topical, geographical, temporal and semantic characteristics ([0043]: the content components include text,

Art Unit: 2178

image, advertisements shows that the content comprises contextual material including topical and semantic characteristics since the image data should be related to the text and the text is classified based on the main topic of the content; [0052]: the fact that the matching Web page content is news or weather information that match the geographical data implies that the content comprises contextual material including geographical characteristics). Further, since the content of the web page includes stock quotes information and weather information that are changed based on time and are inserted in the web page for updating the information, said information has temporal characteristics.

Regarding claim 4, which is dependent on claim 1, Hosea discloses that the component comprises syndicated services including message boards, chat rooms, file exchanges, link exchanges, E-commerce and auctions (figure 1).

Regarding claim 5, which is dependent on claim 1, Hosea discloses that the component comprises syndicated content including news feeds, weather information, stock information, road maps, pictures, video, audio and text (figure 1).

Regarding claim 7, which is dependent on claim 1, Hosea discloses that the content component comprises one or more elements to be embedded elements in the source page ([0043], [0046]: content such as advertisement or links are embedded elements in the web page).

Regarding claim 8, which is dependent on claim 1, Hosea discloses that the elements comprise in-situ syndicated textual or multimedia material shown within a context of the source page ([0046]: the embedded advertisement or links are graphics or text, which are multimedia material matching the context of the web page).

Regarding claims 17-18, which are dependent on claims 7 and 17 respectively, Hosea discloses that the elements comprise stand-alone elements comprising multimedia material shown within a context in a browser window, dialog window or pop-up window (figure 2: image and text within a context of the source page included in the browser window; or figure 4: text, which is a multimedia material, is included in the pop-up windows "Narrow Column" and "Wide Column").

Regarding claim 19, which is dependent on claim 1, Hosea discloses obtaining the profile comprises:

- analyzing the style of the content of the source page ([0043]: "An HTML file is formed of *constituent components* that include *content components* and *formatting components*, i.e., the HTML "mark-up." The content components ... An HTML file profiler parses each HTML file to *extract the constituent components*, and analyzes and assigns ratings to the content components."; the fact that the HTML file profiler parses each HTML file to extract the constituent components which include the content components and the formatting



components suggests that the format of the content of the HTML file is analyzed before being extracted)

- analyzing the content of the source page ([0043]: "An HTML file is formed of constituent components that include content components and formatting components, i.e., the HTML "mark-up." The content components ... An HTML file profiler parses each HTML file to extract the constituent components, and analyzes and assigns ratings to the content components.")

Hosea does not explicitly disclose saving the style and content of the source page as the profile. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Hosea to incorporate the saving step into Hosea since it was well known that the content and the format of the web page when created must be saved as the information of the web page for later use such as uploading or retrieving where said information is equivalent to the data of the profile of the web page.

Regarding claim 20, which is dependent on claim 19, Hosea discloses that the profile is utilized as a filter that dictates content from the content component to include in the source page ({0013]: "a proxy server ..., and filters the content of the web page based on the user profile and the Web page profile ..." shows that the web page profile is *utilized as a filter* for filtering the content of the web page, where such filtering implies dictating content from the content component to include in the source page).

Regarding claim 21, which is dependent on claim 20, Hosea discloses including the content component into the source page by referencing the profile in real-time ([0013], [0018] and figure 3: the fact that the user request is monitored by a proxy server and the content of the requested web page is filtered based on the user profile and the web page profile before delivering the page to the user shows that the web page profile is referenced upon a user request in the real-time to select the types of the content of the web page).

Claims 24-28 are for a computer program of method claims 1-5, and are rejected under the same rationale.

10. Claims 9-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea and Borger as applied to claim 1 above, and further in view of Massena et al. (US Pat No. 6,625,803 B1, 9/23/03, filed 2/8/00, priority 10/28/97).

Regarding claims 9, 13-16, which are dependent on claim 1, Borger and Hosea do not disclose including the content component in the source page by inserting script, applets, active-x, plugins, and Java code into the source page.

Massena discloses inserting script, applets, active-x, plugins, and Java code in the source page for generating a modified web page (abstract, col 1, line 59 to col 2, line 64; col 7, lines 53-65).

Art Unit: 2178

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Massena into Hosea since Massena provides the capabilities to modify a web page by inserting a web component such as scripts, applets, active-x, plugins, and Java code providing the advantage to incorporate such features into Borger and Hosea for expanding the modification of web pages with various types of web components to be inserted into a web page instead of merely inserting advertisements or links as in Hosea.

Regarding claims 10-11, which are dependent on claim 1, Borger and Hosea do not disclose including the content component in the source page by inserting one or more frames and one or more interior frames into the source page.

Massena discloses inserting applets, active-x-controls, and plugins into a web page for producing a modified web page (abstract, col 1, line 59 to col 2, line 64; col 7, lines 53-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Massena into Hosea since Massena inserting applets, active-x-controls, and plugins, which are interior frames, into a web page for producing a modified web page providing the advantage to incorporate into Hosea for expanding the contents to be inserted into a web page instead of merely text and graphics for modifying the web page.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea and Borger as applied to claim 1 above, and further in view of Muthuswamy et al. (US Pat No. 6,606,525 B1, 8/12/03, filed 12/27/99).

Regarding claim 12, which is dependent on claim 1, Hosea does not disclose including the content component in the source page by inserting one or more layers in the source page.

Muthuswamy discloses inserting layers into a web page for updating the web page with dynamic data such as stock data (col 2, lines 29-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Muthuswamy into Hosea since Muthuswamy has the layer features for including the dynamic data to a web page providing the advantage to incorporate into Hosea to include the dynamic data to a web page to make the page live and more attractive instead of merely inserting static data as in Hosea.

12. Claims 22-23, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea and Borger as applied to claim 20 above, and further in view of Freedman et al. (US Pat Pub. No. 2002/0083123 A1, 6/27/02, filed 12/27/02).

Regarding claim 22, which is dependent on claim 20, Borger and Hosea do not disclose checking the source page for updates and updating the profile with at least one of the updates.

Freedman discloses periodically checking the web page for meta tags that contain information about the resource link device record, if these meta tags are updated, the source link device record is automatically updated with the new information ([0080]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Freedman into Hosea since Freedman has the capability of checking the updating of the web page via updating the meta tags that contain information about the resource link device record and updating the resource link device record when the meta tags are updated. Since the resource link device record is the data particular to the web page, the resource link device record is considered as the profile data of the web page. Therefore, updating the resource link device record suggests updating the profile of the web page with at least one of the updates.

Regarding claim 23, which is dependent on claim 22, Hosea does not disclose comparing pairs of expiry information, last modified dates, cyclic redundancy codes (CRCs) or MD5s.

Freedman discloses comparing the expiry information when the expiration date is assigned to the resource link device, checking the remaining resource link device counter for being decremented for generating billing information ([0084]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Freedman into Hosea since Freedman discloses comparing pairs of the expiration date assigned to the resource link device with the remaining resource link device counter to see if there is a correspondence between

them thus motivating to incorporate into Hosea for comparing the expiry information of the web content inserted into a web page.

Claim 29 is for an apparatus for method claims 1 and 22, and is rejected under the same rationale.

***Response to arguments***

13. Applicant's arguments filed 2/23/06 have been fully considered but they are not persuasive.

Applicants argue that Hosea does not disclose generating a content component that is to be included in the source page in accordance with the profile, where generating the content component includes formatting the content component in accordance with the profile so that the style of the content component comports substantially to a style of the source page (Remarks, pages 10-11).

Examiner agrees.

Borger discloses inserting a content into a web document where the format of the content is specified in the markup tags of the web document ([0064], [0066]). This implies that the format of the content to be inserted in the web document comports substantially to the format of the web document. Borger does not disclose the profile of the web document identifies the style of the web document. Hosea discloses the profile of the web document including the content and the format of the web document.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Hosea into Borger for utilizing the profile of the

web document as a tool for recording the format identified from the web document instead of having said format identified every time a request for inserting a content to a web document is made, which is time consuming.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beranek (US Pat No. 6,886,013).

Skok (US Pat App Pub No. 2002/0091725).

Gupta et al. (US Pat App Pub No. 2002/0059342).

Wittkotter et al. (US Pat App Pub No. 2003/0196169).

Sorge et al. (US Pat App Pub No. 2006/0020673).

Moir (US Pat App Pub No. 2001/0020956).

Mo (US Pat App Pub No. 2002/0010725).

Wolfe (US Pat App Pub No. 2003/0110449).

Mateos (US Pat App Pub No. 2003/0050995).

Bergey et al. (US Pat App Pub No. 2003/0017440).

Shelton (US Pat App Pub No. 2002/0165881).

Blasko (US Pat App Pub No. 2001/0049620).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh  
Primary Examiner  
Art Unit 2178  
05/11/06